

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL CASTILLO,

Petitioner,

22-cv-6894 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

JOHN G. KOELTL, District Judge:

By motion dated July 2, 2024, the pro se petitioner, Michael Castillo, moves pursuant to Rule 60(b)(3) of the Federal Rules of Civil Procedure to vacate this Court's Judgment dismissing his petition brought pursuant to 28 U.S.C. § 2255. ECF No. 9. The Court previously declined to vacate, set aside, or correct the petitioner's sentence following his conviction pursuant to his plea of guilty to murder through the use of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §§ 924(j) and 2. The reasons for denial are set out at length in this Court's Memorandum Opinion and Order dated October 11, 2023. See Castillo v. United States, Nos. 19-cr-428 & 22-cv-6894, 2023 WL 6622071 (S.D.N.Y. Oct. 11, 2023). This Court also denied a certificate of appealability, id. at *8, and the Court of Appeals for the Second Circuit dismissed the petitioner's subsequent appeal, ECF No. 15.

The petitioner now repeats his arguments relating to the fact that a cooperating witness lied to the Government. See ECF No. 9.

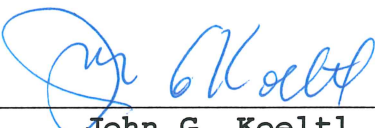
But the Court carefully considered those same arguments and found that they did not warrant granting the section 2255 petition. Castillo, 2023 WL 6622071 at *7-8. The witness's lie was disclosed to the defense and did not affect the petitioner's guilt. Id. The witness lied about the degree of his own culpability, not the petitioner's involvement in the murder. Id.

The Court has carefully reviewed all of the parties' arguments. To the extent not specifically addressed, the arguments are either moot or without merit. For the reasons explained above, there is no basis to vacate the judgment denying the petitioner's section 2255 petition. Therefore, the petitioner's motion is **denied**. Because the motion makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

The Clerk is directed to close ECF No. 9. The Clerk is also requested to mail a copy of this Order to the movant at: Michael Castillo (589 37177); Low Security Correctional Institution; P.O. Box 999; Butner, NC 27509; and to note mailing on the docket.

SO ORDERED.

**Dated: New York, New York
November 19, 2024**



John G. Koeltl
United States District Judge